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Attorneys for Plaintiffs

UNITED STATES DISTRICT COURT
DISTRICT OF OREGON
PORTLAND DIVISION

INDEX NEWSPAPERS LLC, a Washington limited-liability company, dba **PORTLAND MERCURY**; **DOUG BROWN**; **BRIAN CONLEY**; **SAM GEHRKE**; **MATHIEU LEWIS-ROLLAND**; **KAT MAHONEY**; **SERGIO OLMOS**; **JOHN RUDOFF**; **ALEX MILAN TRACY**; **TUCK WOODSTOCK**; **JUSTIN YAU**; and those similarly situated,

Plaintiffs,

v.

CITY OF PORTLAND, a municipal corporation; **JOHN DOES 1-60**, officers of Portland Police Bureau and other agencies working in concert; **U.S. DEPARTMENT OF HOMELAND SECURITY**; and **U.S. MARSHALS SERVICE**,

Defendants.

Case No. 3:20-cv-1035-SI

DECLARATION OF MATTHEW BORDEN IN SUPPORT OF PLAINTIFFS' MOTION FOR CONTEMPT AND SANCTIONS

I, Matthew Borden, declare:

1. I am counsel of record for the Plaintiffs and have been admitted *pro hac vice* to practice before the Court in this matter. I make this declaration based on personal knowledge. If called as a witness, I could and would testify competently to the facts below.

2. Attached as **Exhibit 1** is a true and correct copy of an email I sent to Joshua Gardner, counsel for Defendants U.S. Department of Homeland Security and U.S. Marshals Service (the “federal defendants”), on July 27, 2020, summarizing a phone call with him earlier that day. On that phone call, I told him about the many of the instances of violence against journalists and legal observers discussed in Plaintiffs’ motion for contempt and sanctions. For each incident, I identified the date, time, precise location and nature of occurrence so that the federal defendants could investigate and provide an explanation of what happened the next day. Specifically, I requested that the federal defendants identify the officers involved, the commanding personnel involved, and what steps they had taken to comply with Court’s temporary restraining order (Dkt. 84) (“TRO”).

3. In the intervening period between the time Mr. Gardner and I spoke, Plaintiffs learned of additional and new acts of violence against journalists by the federal defendants.

4. I had a follow-up phone call with Mr. Gardner on July 28, 2020. On the call, Mr. Gardner was unable to provide me with any further information on what officers were involved in these incidents, or why they took place. Nor was he able to tell me which supervisors were involved in supervising those officers or who was responsible for implementing the Court’s TRO.

5. Mr. Gardner also informed me that at this point, the federal defendants would not stipulate to extending the TRO.

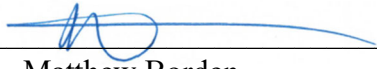
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I declare under penalty of perjury under the laws of United States of America that the foregoing is true and correct.

Dated: July 28, 2020



Matthew Borden